

AMENDMENTS TO THE DRAWINGS

Attached hereto is a proposed drawing change proposing to amend Figures 6 and 7. Regarding Figure 6, Applicant proposes to include element 102 to enhance consistency with the specification. *See, e.g., page 5, lines 5-7.* Regarding Figure 7, Applicant proposes to change the element number of the CCD 66 to 60 also to enhance consistency with the specification. *See, e.g., page 6, line 1.*

Applicant respectfully requests that the proposed drawing changes be approved. Upon approval, formal corrected drawings will be submitted.

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-7 were pending prior to the Office Action. Claims 8-20 have been added through this Reply. Therefore, claims 1-20 are pending. Claims 1, 5 and 8 are independent.

OBJECTION TO THE TITLE

The Examiner objected to the title of the application as allegedly being non-descriptive. *See Office Action, page 2, item 1.* The title of the application has been amended to address this objection. Applicant respectfully requests that the objection to the title be withdrawn.

§ 102 REJECTION – OKINO

Claims 1-4 stand rejected under 35 USC 102(b) as allegedly being anticipated by Okino et al. (USP 5,214,516). *See Office Action, items 2 and 3.* Applicant respectfully traverses.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Okino fails to teach or suggest each and every claim element. For example, independent claim 1 recites, in part, "wherein the second function is at least one of a battery charging function or a moving image-capturing function." Contrary to the Examiner's assertion, Okino cannot be relied upon to teach or suggest at least this feature.

In the Office Action, the Examiner alleged that Okino discloses indicator for battery charging function and relied upon column 4, lines 37-41 and 56-60 of Okino. A closer inspection of the relied upon portions clearly reveals that Okino cannot be so relied upon.

Okino discloses that the LED (allegedly equivalent to the indicator) may be used as a display for checking the battery. *Emphasis added; See column 4, lines 37-41.* Okino specifically indicates to the circuit of Figure 2B for implementing the battery checking function. Okino merely discloses that the LED lights if the battery level is sufficiently high and does not light if the battery level is low. *See column 4, line 56 – column 5, line 8.* In other words, the LED merely indicates the current voltage level of the battery.

A mere indication of the current voltage level is not the same as indicating whether the battery is being charged or not. Thus, contrary to the Examiner's allegation, Okino cannot be relied upon to teach or suggest feature of indicating a battery function.

Moreover, the Examiner did not even allege, let alone demonstrate, that Okino can be relied upon to teach or suggest the feature of indicating a moving image function. Therefore, for at least the reasons stated above, independent claim 1 is distinguishable over Okino.

Claims 2-4 depend from independent claim 1 directly or indirectly. Therefore, for at least the reasons stated with respect to independent claim 1, these claims are also distinguishable over Okino.

Applicant respectfully requests that the rejection of claims 1-4 based on Okino be withdrawn.

§ 103 REJECTION – OKINO, BERSTIS

In the Office Action, it is indicated that claims 5-7 are rejected under 35 USC 103(c) as allegedly being unpatentable over Okino in view of Berstis (USP 6,721,001). *See Office Action, items 4 and 5.* Applicant will treat this as a rejection under 35 USC 103(a). As such, Applicant respectfully traverses.

For a §103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142.* One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j).* Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

Independent claim 5 recites, in part “the digital camera comprises a first indicating device ... indicates a charging situation by the charging function.” It has been shown above that Okino cannot be relied upon to teach or suggest at least this feature. Berstis has not been, and indeed cannot be, relied upon to correct for at least this deficiency of Okino. Therefore, independent claim 5 is distinguishable over the combination of Okino and Berstis.

Claims 6 and 7 depend from independent claim 5. Therefore, for at least the reasons stated with respect to claim 5, these dependent claims are also distinguishable over the combination of Okino and Berstis.

Applicant respectfully requests that the rejection of claims 5-7 based on Okino and Berstis be withdrawn.

NEW CLAIMS

Claims 8-20 have been added through this Reply. All new claims are believed to be distinguishable over the cited references, individually or in any combination. Applicant respectfully requests that the new claims be allowed.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to

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be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), the Applicant respectfully petitions for a two (2) month extension of time for filing a response in connection with the present application and the required fee of \$450 is being filed concurrently herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1:16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

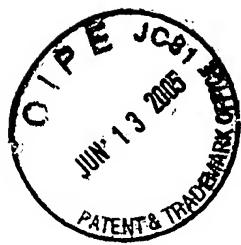
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ANNOTATED MARKED-UP SHEET

FIG.6

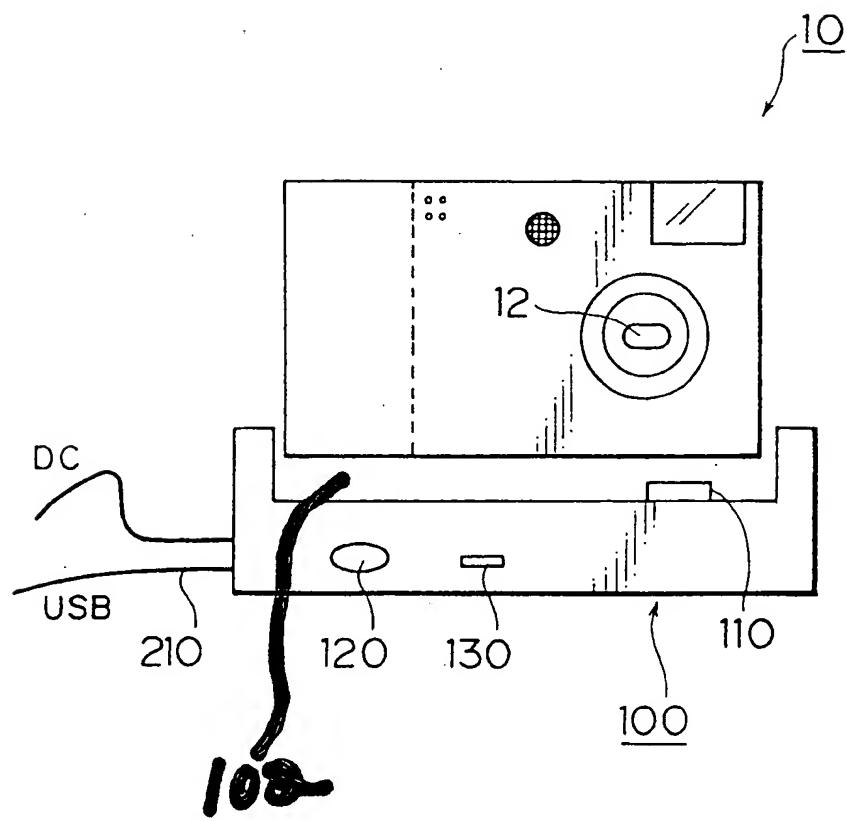


FIG7

